

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIK JONES,

No. C 07-4277 CW (PR)

Plaintiff,

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION TO CHANGE TIME TO
COMPLETE DEPOSITION AND FILE
DOCUMENTS REFERENCED IN
BRIEFING SCHEDULE

v.

M. EVANS, et al.,

(Docket no. 77)

Defendants.

MALIK JONES,

No. C 09-3003 CW (PR)

Plaintiff,

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION TO CHANGE TIME TO
COMPLETE DEPOSITION AND FILE
DOCUMENTS REFERENCED IN
BRIEFING SCHEDULE

v.

L. WASHINGTON, et al.,

(Docket no. 29)

Defendants.

Defendants have filed a request for a forty-five day extension of the briefing schedule set by the Court in its July 23, 2010 Order. They explain that the reassignment of counsel and temporary budgetary constraints make it difficult for them to depose Plaintiff within the thirty-day period allocated by the Court. Having read and considered Defendants' motions, and good cause appearing, Defendants' requests are GRANTED IN PART AND DENIED IN PART.

IT IS HEREBY ORDERED that

1. Defendants' request for an extension of time in which to depose Plaintiff is GRANTED. The time in which Defendants may complete deposition of Plaintiff will be extended up to and including October 7, 2010.

1 2. Defendants' request for an extension of forty-five days
2 in which to file their dispositive motion is DENIED. Instead, the
3 Court GRANTS Defendants a fifteen-day extension of time to file
4 their dispositive motion:

5 a. Defendants shall file a motion for summary judgment
6 or other dispositive motion no later than November 5, 2010.

7 b. Plaintiff's opposition to the dispositive motion
8 shall be filed with the Court and served on Defendants no later
9 than sixty (60) days after the date on which Defendants' motion is
10 filed.

11 c. If Defendants wish to file a reply brief, they shall
12 do so no later than thirty (30) days after the date Plaintiff's
13 opposition is filed.

14 d. The motion shall be deemed submitted as of the date
15 the reply brief is due. No hearing will be held on the motion
16 unless the Court so orders at a later date.

17 3. In its July 23, 2010 Order, the Court set September 21,
18 2010 as the discovery cut-off date. The Court sets a new discovery
19 cut-off date of October 7, 2010, which is the same deadline for
20 Defendants to complete Plaintiff's deposition.

21 4. All communications by Plaintiff with the Court must be
22 served on Defendants' counsel by mailing a true copy of the
23 document to Defendants' counsel.

24 5. It is Plaintiff's responsibility to prosecute these
25 cases. Plaintiff must keep the Court informed of any change of
26 address and must comply with the Court's orders in a timely
27 fashion. Failure to do so may result in the dismissal of these
28

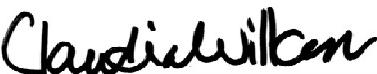
1 actions for failure to prosecute pursuant to Federal Rule of Civil
2 Procedure 41(b).

3 6. Extensions of time are not favored, though reasonable
4 extensions will be granted. Any motion for an extension of time
5 must be filed no later than fifteen (15) days prior to the deadline
6 sought to be extended.

7 7. This Order terminates Docket no. 77 in Case No. C 07-4277
8 CW (PR) and Docket no. 29 in Case No. C 09-3003 CW (PR).

9 IT IS SO ORDERED.

10 Dated: 8/13/2010



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MALIK JONES,

Plaintiff,

Case Number: CV07-04277 CW

V.

MIKE EVANS, WARDEN et al.

Defendant.

CERTIFICATE OF SERVICE

N

1

MALIK JONES,

Plaintiff,

Case Number: CV09-03003 CW

CERTIFICATE OF SERVICE,

v.

L. WASHINGTON et al.

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 13, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Malik Jones K-09065
High Desert State Prison
FC-D-8-128
P.O. Box 3030
Susanyville, CA 96127

Dated: August 13, 2010

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk